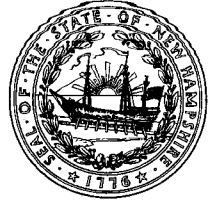




The State of New Hampshire  
*Department of Environmental Services*



Michael P. Nolin  
Commissioner

**LETTER OF DEFICIENCY**  
**SP 06-015**

July 31, 2006

Stuart & Lisa Nelson  
P.O. Box 116  
Contoocook, NH 03229

RE: DES Wetlands File #2006-01723 Bass Lane, Contoocook

Dear Mr. & Mrs. Nelson:

On July 12, 2006, personnel from the Department of Environmental Services ("DES") conducted an inspection of the above referenced property, more specifically referenced on Town of Contoocook Tax Map 208 as Lot 14 (the "Property"). The purpose of the inspection was to determine compliance with the Comprehensive Shoreland Protection Act ("CSPA"), RSA 483-B and NH Code of Admin. Rules Env-Wq 1400-1411.

During the inspection the following deficiencies were documented:

1. A well-distributed stand of trees has not been maintained within 150 feet of the reference line (normal high water mark) on Rolfe Pond. DES documented a cleared area between approximately 91 and 150 feet from the reference line and measuring approximately 140 feet across on the Property. There were 35 stumps from recent cutting and 26 saplings cut within this area. Four zones of significant cutting were observed (see enclosed site sketch for additional reference):

a. Between approximately 134 and 148 feet from the reference line and located in a northeastern section of the clearing was a diagonal section of cutting (approaching the 150 foot mark moving westward). 6 stumps were documented. By the edge of this section DES documented an additional 11 saplings had been cut or damaged.

b. Between approximately 104 and 128 feet from the reference line and located in an eastern section of the clearing was a block of cutting. 7 stumps were documented in this area, as well as 3 saplings.

c. Between approximately 95 and 123 feet from the reference line and located in a southern section of the clearing was a block of cutting. 11 stumps were documented in this area.

d. Between approximately 127 and 144 feet from the reference line and located in a northwestern section of the clearing was a diagonal section of cutting (approaching 127 feet moving westward). 7 stumps were documented in this section.

In response, you are requested to take the following actions:

1. Within 30 days of receipt of this Letter of Deficiency, submit a restoration plan to DES for

review and approval. Have the restoration plan prepared by a qualified environmental consultant, or landscape designer and include provisions for revegetating the clearing with trees and saplings, representing 50% of what was cut within 150 feet of the shoreline on the Property. At least 18 saplings or trees should be planted. Species should be selected from the enclosed native species list and planted in a random, well distributed pattern throughout the cleared area. Submit the following with the restoration plan:

- a. A plan with dimensions, drawn to scale, showing:
    - (1) The species of plants proposed for replanting;
    - (2) The number and distribution of plants proposed for replanting;
    - (3) The basal area of the trees proposed for replanting;
    - (4) The existing trees remaining within the natural woodland buffer, if any; and
    - (5) The existing and proposed structures, including but not limited to the primary structure, accessory structures, and water-dependent structures.
  - b. A detailed description of the proposed means of erosion control (silt fence, hay bales, etc) and stabilization of the restoration area;
  - c. A detailed description of the proposed planting plan for the stabilization and revegetation of the restoration area and control of invasive species such as purple loosestrife (*Lythrum salicaria*) and common reed (*Phragmites australis*). DES requests sapling replacements be a mix of 1 to 2.5 inch caliper or 4 to 10 feet in height, randomly spaced on the property, from the list of New Hampshire native and naturalized species (copy enclosed);
  - d. A description of the proposed construction sequence and methods for accomplishing restoration and anticipated restoration compliance date.
  - e. A description of the method of documenting at least 75% survival of all vegetation planted during the restoration project. This should include at a minimum monitoring progress reports for two successive growing seasons following completion of the restoration project.
2. Retain a qualified environmental consultant, or landscape designer to supervise the implementation of the restoration plan and to submit the restoration progress reports.
  3. Implement the restoration plan only after receiving written approval and as conditioned by DES

RSA 483-B, the New Hampshire Comprehensive Shoreland Protection Act, was enacted to protect and preserve the shorelands of the State to maintain the integrity and exceptional quality of the State's public waters. RSA 483-B and Env-Wq 1400-1411 establish minimum standards for the future subdivision, use, and development of the shorelands within 250 feet of the state's public waters.

DES personnel may conduct another inspection at a later date to determine whether you have come into and are maintaining full compliance with the applicable statute and rules.

Issuance of this letter shall not preclude further enforcement by DES. Failure to comply with RSA 483-B will result in enforcement by DES, including but not limited to the issuance of fines,

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administrative orders, or referral to the New Hampshire Office of the Attorney General for prosecution of civil or criminal penalties. If an order is issued to you, it may also be recorded with the Registry of Deeds as an encumbrance against your property.

All documents submitted in response to this Letter of Deficiency should be addressed as follows:

Jeffrey D. Blecharczyk, Shoreland Compliance Coordinator  
Wetlands Bureau  
Department of Environmental Services  
29 Hazen Drive  
PO Box 95  
Concord, NH 03302-0095

Should you have any questions regarding this letter, or wish to arrange a meeting, please contact Jeffrey D. Blecharczyk at (603) 271-6876.

Sincerely,

  
Charles G. Adams, CWS  
Administrator  
Wetlands Bureau

CERTIFIED MAIL 7099 3400 0003 0688 7381

cc: Rene Pelletier, Asst. Director, Water Division  
Gretchen R. Hamel, Administrator, DES Legal Unit  
Hopkinton Conservation Commission  
Hopkinton Board of Selectmen  
USACOE